



House of Representatives

General Assembly

File No. 140

February Session, 2016

House Bill No. 5289

House of Representatives, March 23, 2016

The Committee on Aging reported through REP. SERRA of the 33rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this
2 section:

3 (1) "Administration for Community Living" or "ACL" means the
4 organization created by the United States Department of Health and
5 Human Services to facilitate the independence, well-being and health
6 of adults sixty years of age and older, persons with disabilities of all
7 ages and their families and caregivers.

8 (2) "National Adult Maltreatment Reporting System" means the
9 national data reporting and collection system designed to provide
10 consistent, accurate national data on the exploitation and abuse of
11 adults sixty years of age and older and adults with disabilities, as
12 reported to state adult protective services departments nationwide.

13 (3) "Voluntary Consensus Guidelines for State Adult Protective
14 Services" means national guidelines developed by the ACL that state

15 adult protective services departments may adopt to respond to reports
16 of abuse, neglect, exploitation or abandonment.

17 (b) The Commissioner of Social Services shall develop a strategic
18 plan to (1) incorporate the ACL's Voluntary Consensus Guidelines for
19 State Adult Protective Services into protective services for adults sixty
20 years of age and older offered in the state, and (2) align state data
21 collection with the National Adult Maltreatment Reporting System.
22 Not later than July 1, 2017, the Commissioner of Social Services shall
23 submit the plan, that shall include, but need not be limited to,
24 recommendations for changes in state law, to the joint standing
25 committees of the General Assembly having cognizance of matters
26 relating to aging and human services.

27 Sec. 2. Section 17b-451 of the 2016 supplement to the general statutes
28 is amended by adding subsection (g) as follows (*Effective July 1, 2016*):

29 (NEW) (g) The Commissioner of Social Services shall develop an
30 educational training program to promote and encourage the accurate
31 and prompt identification and reporting of abuse, neglect, exploitation
32 and abandonment of elderly persons. Such training program shall be
33 made available on the Internet web site of the Department of Social
34 Services to mandated reporters and other interested persons. The
35 commissioner shall also make such training available in person or
36 otherwise at various times and locations throughout the state as
37 determined by the commissioner.

38 Sec. 3. Subsection (a) of section 17b-452 of the 2016 supplement to
39 the general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective July 1, 2016*):

41 (a) The commissioner, upon receiving a report that an elderly
42 person allegedly is being, or has been, abused, neglected, exploited or
43 abandoned, or is in need of protective services, shall investigate the
44 report to determine the condition of the elderly person and what
45 action and services, if any, are required. The investigation shall include
46 (1) an in-person visit to the named elderly person, (2) consultation with

47 those individuals having knowledge of the facts of the particular case,
48 and (3) an interview with the elderly person alone unless (A) the
49 elderly person refuses to consent to such interview, or (B) the
50 commissioner determines that such interview is not in the best
51 interests of the elderly person. If the commissioner determines that a
52 caregiver is interfering with the commissioner's ability to conduct an
53 interview alone with the elderly person, the commissioner may bring
54 an action in the Superior Court or Probate Court seeking an order
55 enjoining such caregiver from interfering with the commissioner's
56 ability to conduct an interview alone with the elderly person. In
57 investigating a report under this subsection, the commissioner may
58 subpoena witnesses, take testimony under oath and compel the
59 production of any necessary and relevant documents necessary to
60 investigate the allegations of abuse, neglect, exploitation or
61 abandonment. The commissioner may request the Attorney General to
62 petition the Superior Court for such order as may be appropriate to
63 enforce the provisions of this section. Upon completion of the
64 investigation, the commissioner shall prepare written findings that
65 shall include recommended action and a determination of whether
66 protective services are needed. Not later than thirty days after
67 completion of the investigation, the commissioner shall disclose, in
68 general terms, the result of the investigation to the person or persons
69 who reported the suspected abuse, neglect, exploitation or
70 abandonment, provided: (i) The information is not otherwise
71 privileged or confidential under state or federal law, (ii) the names of
72 witnesses or other persons interviewed are kept confidential, and (iii)
73 the names of the person or persons suspected to be responsible for the
74 abuse, neglect, exploitation or abandonment are not disclosed unless
75 such person or persons have been arrested as a result of the
76 investigation.

77 Sec. 4. Subsection (g) of section 17a-412 of the 2016 supplement to
78 the general statutes is repealed and the following is substituted in lieu
79 thereof (*Effective July 1, 2016*):

80 (g) The person filing a report or complaint pursuant to the

81 provisions of this section shall be notified, in general terms, of the
 82 findings of any investigation conducted by the Commissioner of Social
 83 Services [, upon request] not later than thirty days after the
 84 investigation is completed, provided: (1) The information is not
 85 otherwise privileged or confidential under state law, (2) the names of
 86 witnesses or other persons interviewed are kept confidential, and (3)
 87 the names of the person or persons suspected to be responsible for the
 88 abuse, neglect, exploitation or abandonment are not disclosed unless
 89 such person or persons have been arrested as a result of the
 90 investigation.

91 Sec. 5. (*Effective July 1, 2016*) The Commission on Aging shall
 92 complete a comprehensive evaluation of the state's protective services
 93 system for elderly persons and make recommendations concerning
 94 whether the state should adopt a protective services system serving
 95 persons eighteen years of age and older. The evaluation shall include:
 96 (1) An overview of the current protective services structure in the state;
 97 (2) identification of any gaps within the current system; (3) if
 98 recommended, a description of the need for a protective services
 99 system for persons eighteen years of age and older; (4) a description of
 100 protective services models in other states; and (5) overall capacity of
 101 the current system to meet present and future needs. The legislative
 102 Commission on Aging shall report its findings to the joint standing
 103 committees of the General Assembly having cognizance of matters
 104 relating to aging and human services not later than October 1, 2017.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	17b-451
Sec. 3	<i>July 1, 2016</i>	17b-452(a)
Sec. 4	<i>July 1, 2016</i>	17a-412(g)
Sec. 5	<i>July 1, 2016</i>	New section

AGE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact. The Department of Social Services is currently in process of meeting the requirements under sections 1 through 4 of the bill. Section 5 has no impact to the State Department on Aging to complete an evaluation of the state's protective services system and make recommendations.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5289****AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS.****SUMMARY:**

This bill broadens the circumstances when the Department of Social Services (DSS) commissioner must disclose the results of an investigation into suspected elderly abuse, neglect, exploitation, or abandonment but limits the type of information that may be disclosed. Under current law, if the elderly individual is a long-term care facility resident, the commissioner must, upon request, disclose the investigation's results to the person who initially reported the suspected abuse. The bill (1) requires the commissioner to disclose an investigation's results to the person who made the report, regardless of whether the elderly individual resides in a long-term care facility, and (2) restricts what information may be disclosed.

The bill also requires the DSS commissioner to develop a plan to (1) incorporate the federal Administration for Community Living's Voluntary Consensus Guidelines for State Adult Protective Services into the state's elderly protective services program and (2) align state elder abuse data collection with the National Adult Maltreatment Reporting System standards (see BACKGROUND). The commissioner must submit the plan, along with any legislative recommendations, to the Aging and Human Services committees by July 1, 2017.

The commissioner must also develop an educational training program to promote accurate and prompt reporting of elderly abuse, neglect, exploitation, and abandonment. The bill does not specify a time-frame for developing the training program, which must be available to mandated reporters (see BACKGROUND) and other interested people on DSS' website and in person or otherwise at

various times and locations throughout the state, as determined by the commissioner.

Under the bill, the Commission on Aging must evaluate the elderly protective services system and recommend whether it should be expanded to serve individuals age 18 years and older. The evaluation must describe (1) the current protective services structure, including any gaps in the current system; (2) the need, if any, for an expanded protective services system; (3) protective services models in other states; and (4) the overall capacity of the current system to meet present and future needs. The commission must submit its findings to the Aging and Human Services committees by October 1, 2017.

EFFECTIVE DATE: July 1, 2016

DSS SUSPECTED ABUSE REPORT DISCLOSURE

By law, DSS must investigate reports of elderly abuse, abandonment, neglect, or exploitation, or whether the elderly individual is otherwise in need of protective services. If certain mandated reporters or other individuals who suspect abuse, neglect, exploitation, or abandonment of a long-term care facility resident make a report under current law, the commissioner must disclose to the reporter, upon request, the investigation's results. The bill requires the commissioner to disclose an investigation's results to any person who makes a report, not just to those making reports about individuals in long-term care facilities.

For all types of investigations, the bill requires the commissioner to disclose, in general terms and within 30 days of completing the investigation, the investigation's results to the individual who initially reported the suspected abuse. The bill allows such disclosure only under the following circumstances:

1. information is not privileged or confidential under state or federal law;
2. names of the witnesses or other people interviewed as part of

the investigation are kept confidential; and

3. name or names of the person or people suspected to be responsible for the abuse, neglect, exploitation, or abandonment are not disclosed unless they have been arrested as a result of the investigation.

BACKGROUND

Voluntary Consensus Guidelines for State Adult Protective Services

The federal Administration for Community Living's Voluntary Consensus Guidelines for State Adult Protective Services Systems lists best practices and consistent methods for state protective services systems. Among other things, the guidelines describe program administration, investigation time frames, training, and procedures for receiving reports and conducting investigations.

National Adult Maltreatment Reporting System (NAMRS)

NAMRS is a nationwide, uniform method of collecting and reporting data on elder abuse reports and investigations. Data submission to NAMRS is voluntary.

Mandated Reporters of Elderly Abuse

By law, a person is required to report suspected elder abuse within certain specified timeframes if such person (1) is designated by law as a mandated reporter and (2) has reasonable cause to suspect an elderly individual has suffered abuse, neglect, exploitation, or abandonment. Mandated reporters are the following individuals:

1. licensed physicians, surgeons, practical nurses, medical examiners, dentists, optometrists, chiropractors, podiatrists, social workers, clergymen, police officers, pharmacists, psychologists, and physical therapists;
2. resident physicians or interns in any hospital, regardless of whether they are licensed;

3. registered nurses;
4. nursing home administrators, nurse's aides, or orderlies in a nursing home facility or residential care home;
5. individuals paid to care for a patient in a nursing home facility or residential care home;
6. staff employed by a nursing home facility or residential care home;
7. patients' advocates;
8. individuals paid to care for an elderly person by any institution, organization, agency, or facility, including any employee of a community-based services provider, senior center, home care agency, homemaker and companion agency, adult day care center, village-model community, and congregate housing facility; and
9. licensed or certified emergency medical services providers, including municipal fire department members.

In addition, sexual assault and domestic violence counselors who suspect an individual in a long-term care facility is suffering abuse, neglect, exploitation, or abandonment must also notify DSS.

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 13 Nay 0 (03/08/2016)